IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15713 of 2004

Between:

Kandi Rama Krishna Reddy, S/o Venkata Reddy,
R/o Ankireddypalem, Idupulapadu Post, Inkollu Mandal, Prakasam District.

..... PETITIONER

AND

1 The District Collector,Prakasam District at Ongole.
2 The Joint Collector, Prakasam District at Ongole.
3 The Revenue Divisional Officer, Ongole, Prakasam District.
4 The Mandal Revenue Officer, Inkollu Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in forcing the petitioner to resign as Fair Price Shop dealer of Ankireddypalem village of Inkollu Mandal, Prakasam district as illegal, arbitrary and consequently direct the respondents not to give effect to the alleged resignation letter, dated 28-6-2004

Counsel for the Petitioner: MR.K.SITA RAM

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

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ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents in forcing the petitioner to resign as Fair Price Shop dealer of Ankireddypalem village of Inkollu Mandal, Prakasam District is arbitrary, illegal and consequently direct the respondents not to give effect to the alleged resignation letter, dated 28.06.2004. Petitioner states that he was appointed as a Fair price Shop dealer of the Ankireddypalem village by the third respondent-Revenue Divisional Officer, Ongole, Prakasam District on 31-07-2003 and since then he has been distributing essential commodities to the card holders without any complaints from any quarter. It is alleged that on 28.06.2004, the Assistant Revenue Inspector and Village Secretary came to him and forced him to tender resignation to the dealership. It is further stated that the said resignation was not tendered by him voluntarily, but it was obtained forcibly by the Assistant Revenue Inspector and Village Secretary due to political reasons. Hence, this writ petition.

Heard the learned counsel for the petitioner and learned Government pleader appearing for respondents and perused the material on record.

Whether the petitioner has tendered the resignation voluntarily or whether the same was obtained by the Assistant Revenue Inspector and Village Secretary forcibly, are all the issues to be decided on investigation of several factual aspects and on

appreciation of evidence, if any, adduced by the parties. Such a question cannot be gone into by this Court in the summary proceedings under Article 226 of the Constitution of India.

In the circumstances, I deem it appropriate to dispose of the writ petition granting leave and liberty to the petitioner to seek redressal of his grievances before the third respondent-Revenue Divisional Officer, who is the appointing authority under the statute. In case, any such representation is made by the petitioner, the same may be considered by the Revenue Divisional Officer in accordance with law and appropriate orders be passed.

With the above direction, the writ petition is disposed of. No costs.

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02-09-2004

Note: Furnish C.C. by Tuesday.

B/o

Klp

To

1 The District Collector,Prakasam District at Ongole.
2 The Joint Collector, Prakasam District at Ongole.
3 The Revenue Divisional Officer, Ongole, Prakasam District.
4 The Mandal Revenue Officer, Inkollu Mandal, Prakasam District.

5 2CCs to G.P. for Civil Supplies, High Court buildings,

Hyderabad.(OUT).

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